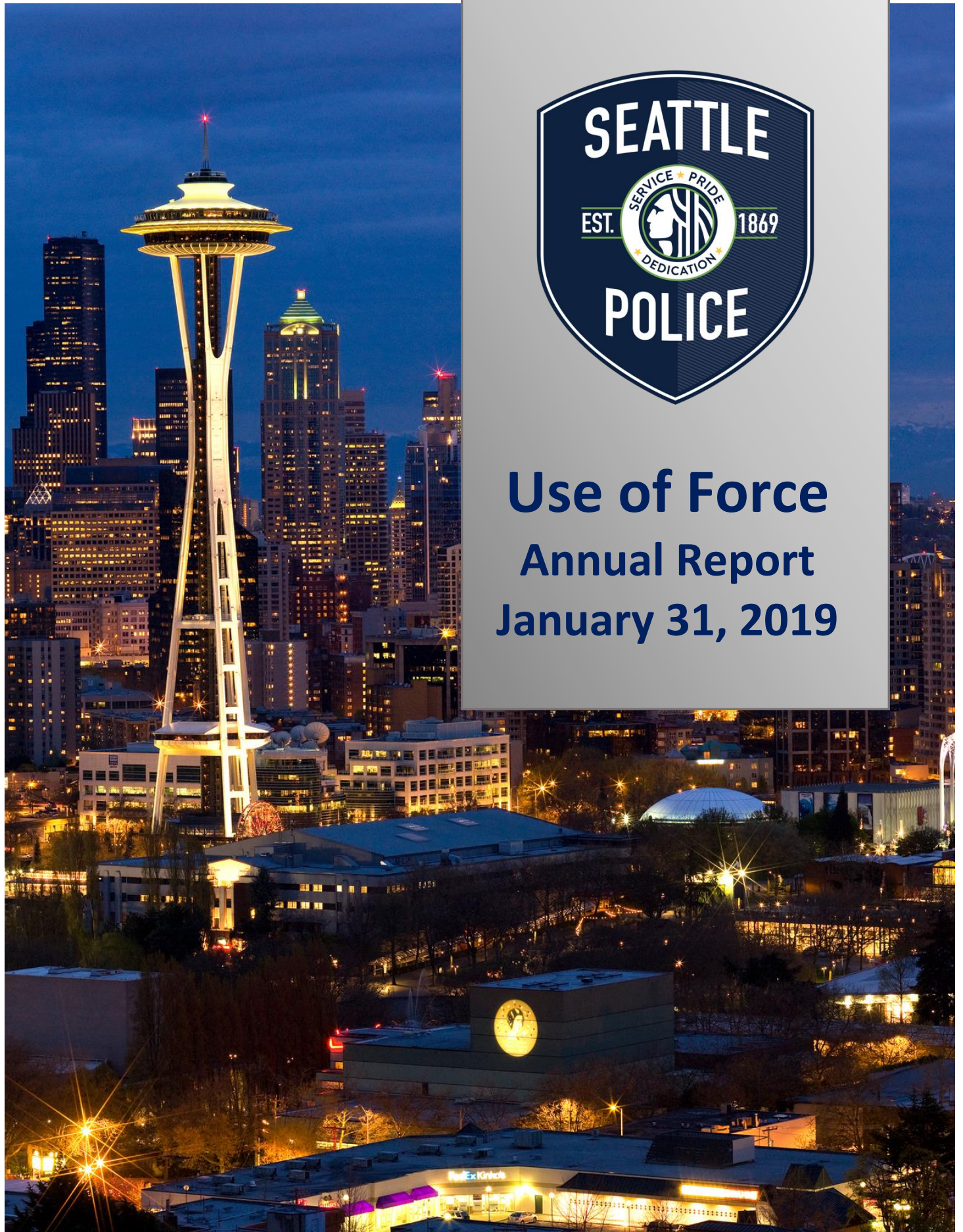




Use of Force Annual Report January 31, 2019



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OVERVIEW

What is in this report?

This report provides a quantitative and qualitative discussion of use of force incidents involving Seattle Police Officers occurring between January 1 and December 31, 2018.

Utilizing the advanced analytical capability available through the Data Analytics Platform (DAP), Section I of this report presents aggregate statistics regarding use of force events and applications, filtered across assignment, subject demographics, call types, and other discrete measures. Key among the findings, consistent with prior years' reports, was that the use of force overall remains extraordinarily low: ***over the time period examined here officers reported using force, of any level, at a rate of less than one quarter of one percent (0.22%) of all dispatches to over 400,000 unique events – and of these uses of force, as in prior years, the overwhelming majority (83%) involved no greater than the lowest level of reportable force (such as minor complaints of transient pain with no objective signs of injury, or the pointing of a firearm).***

Further, the use of serious levels of force – force that causes or may be reasonably expected to cause substantial bodily injury – remained extraordinarily low, occurring in 21 of nearly 870,000 (0.0024% - or less than one quarter of one hundredth of a percent) of officer dispatches.

In short, while each application of force is separately investigated and reviewed, overall the use of force by Seattle police officers continues to be an empirically rare occurrence. This finding shows that that officers continue to implement, in practice, the de-escalation training and tactics that have brought Seattle into full and effective compliance with the Consent Decree between the City of Seattle and the United States Department of Justice (DOJ), while maintaining a high level of engaged, proactive law enforcement activity.

Section II provides an overview of the Force Investigation Team (FIT) – a specialized unit comprised of experienced detectives, sergeants, and commanders that responds to and investigates all serious force incidents – and briefly describes each of the 28 separate events to which FIT responded during 2018. The Seattle Police Department (SPD, or the Department) also reports in this Section on case assessments by the Force Review Unit (FRU) and the Force Review Board (FRB) during 2018, which provide an additional layer of review with respect to officer use of force and chain of command review of force, ensuring that force applied by Seattle police officers is consistent with the mandates of Department policy. Additionally, as a forum for reviewing policies, training, tactics and equipment, the FRB provides the opportunity for experience and review to continually drive improvements to Department operations and practices. These processes help to ensure that the department is policing the community it serves effectively and constitutionally through self-regulation.

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What if this report doesn't answer my questions?

The Department continues to release to the City's open data portal, *data.seattle.gov*, the use of force data described in Section I of this report, and maintains updated interactive dashboards through which the public can explore for itself officers' use of force, parsed across demographic and geographic fields. The Department cautions of the inherent hazard that data can be subject to differing interpretations and lead to differing conclusions depending on the sophistication of the analysis and the potential for confirmation bias; SPD provides this data with the hope that, as new technology has created opportunity for increasingly sophisticated inquiries internally, providing greater transparency of its data externally creates greater opportunity for SPD and the community to work collaboratively to drive the policies and priorities of this department.

SECTION I: USE OF FORCE

A. Policies and Overview of Force

The Seattle Police Department's Use of Force policies are published, collectively, as Title 8 of the SPD Manual. Policy sections 8.000 through 8.200 set forth the conditions under which force is authorized, when force is prohibited, and affirmative obligations to de-escalate prior to using force, when reasonably safe and feasible to do so, and to assess and modulate force as resistance changes. While recognizing that officers are often forced to make split second decisions, in circumstances that are tense, uncertain, and rapidly evolving, this policy allows officers to use only the force that is objectively reasonable, necessary, and proportionate to effectively bring an incident or a person under control. Section 8.300 addresses the use and deployment of force tools that are authorized by the Department, such as less-lethal munitions, canine deployment, firearms, oleoresin capicum (OC) spray, and vehicle-related force tactics. Section 8.400 prescribes protocols for the reporting and investigation of force; section 8.500 sets forth the process for review of force.

Force is classified and reviewed by type:

De Minimis Force - Physical interaction meant to separate, guide, and/or control without the use of control techniques that are intended to or are reasonably likely to cause any pain or injury. Examples including using hands or equipment to stop, push back, separate or escort, the use of compliance holds without sufficient force to cause pain, and unresisted handcuffing. Officers are not required to report or investigate this level of force.

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Type I – Actions which “causes transitory pain, the complaint of transitory pain, disorientation, or intentionally pointing a firearm or bean bag shotgun.” This is the most frequently reported level of force. Examples of Type I force, generally used to control a person who is resisting an officer’s lawful commands, include “soft takedowns” (controlled placement), strike with sufficient force to cause pain or complaint of pain, or an open hand technique with sufficient force to cause complaint of pain. Type I uses of force are screened by a sergeant and reviewed by the Chain of Command; the Force Review Unit (FRU) provides quality assurance.

Type II – Force that causes or is reasonably expected to cause physical injury greater than transitory pain but less than great or substantial bodily harm. Examples include a hard take-down and/or the use of any of the following weapons or instruments: conducted electrical weapons (CEWs, or Tasers), OC spray, impact weapon, beanbag shotgun, deployment of K-9 with injury or complaint of injury causing less than Type III injury, vehicle, and hobble restraint. An on-scene (where feasible) sergeant collects available video evidence and witness statements; the evidence packet and analysis of the force is reviewed by the Chain of Command and the FRU. Cases flagged by the FRU for further inquiry, in accordance with policy criteria, plus an additional random 10% of Type II cases are also analyzed by the Force Review Board (FRB).

Type III – Force that causes or is reasonably expected to cause great bodily harm, substantial bodily harm, loss of consciousness, or death, and/or the use of neck and carotid holds, stop sticks for motorcycles, and impact weapon strikes to the head. Type III force is screened on-scene by a sergeant, investigated by the Force Investigation Team (FIT), and analyzed by the FRB.

B. Quantitative Overview of Use Force

The Seattle Police Department documents force at three levels. Most broadly, use of force at the incident level (generally but not always associated with a specific computer-aided dispatch (CAD) event) may involve multiple officers and/or multiple subjects, each of whom may be documented as either involved in or witness to the use of force. At the individual officer level, force is documented and recorded as the combination of a force incident, a unique officer, and a unique subject; accordingly, depending on how many officers used force during an incident, a single use of force incident may be associated with multiple uses of force reports. The most granular level of documentation occurs at the use of force application level, at which the involved officer documents *each* reportable application of force; a single use of force may thus include multiple applications of force. For example, if in the course of one incident, Officer A pointed a firearm, Officers B and C used a hard-takedown maneuver to bring a subject under control, following which Officer A handcuffed the subject, who then complained of pain, the incident would be documented as one incident, involving three uses of force, comprising four applications of force, two of which (the pointing of a firearm and subsequent handcuffing by Officer A) would be classified as Type I, and two of which (the hard take-down by Officers B and C) would be classified

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as Type II. Because force is reviewed at the level commensurate with the highest level of force used, the incident would be reviewed as a Type II incident. For purposes of this report, force is discussed at the officer report level – i.e., the combination of a unique officer, unique subject, and unique incident, and reported at the highest level of force used by a given officer.

Between January 1 and December 31, 2018, officers were dispatched (either responsive to a 911 call for service or an on-viewed incident) **868,381** times in response to **400,804** unique CAD events. While the count of unique events received by the 911 Communication Center increased by **0.52%** in 2018 compared to 2017, officer dispatches declined by **2.66%**. (Dispatch counts reflect the number of officers responding to a unique event, as captured in the Department's Computer Aided Dispatch (CAD) data.)

Over this same time period, officers reported using force at some level (Type I, II, or III) **2,190** times over **845** unique CAD events.

Viewed in the context of overall activity, this means that approximately one-quarter of one percent (0.25%) of all officer dispatches, and fewer than one-quarter of one percent (0.21%) of unique events, resulted in any reportable use of force.

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1. Use of Force by Level of Force

Figure 1: Force Counts by Year (January 1 – December 31, 2018)

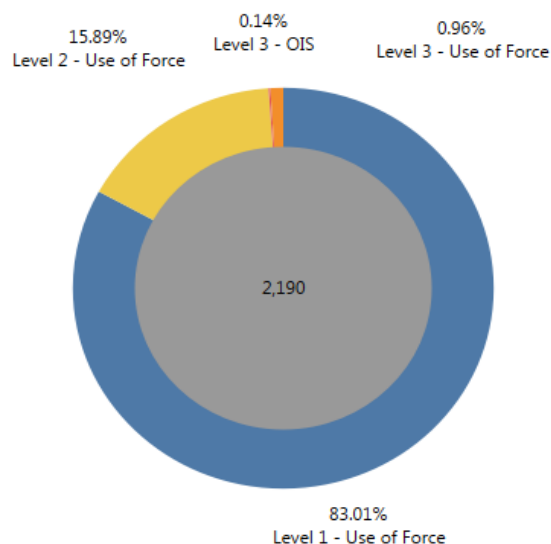


Figure 1 shows the breakdown of use of force, by type, over the calendar year reported. Of the 2,190 uses of force reported during 2018, 1,818 (83%) involved no greater than low-level, Type I force. As shown in Table 1, the number of reported Type I uses of force increased by 43%, while reported uses of Type II and III force decreased.

The increase in reported Type I force is likely due in large part to over-reporting of handcuff discomfort as Type I force; of the 1,818 Type I uses of force reported, a full two-thirds (66%) involved nothing greater than a complaint of pain alone,

with no objective sign of injury. This is a continuing issue that the FRU has consistently noted over the past few years, raising a concern that the data do not allow for accurate distinction between pain as a result of a force application and pain or discomfort that is to some degree inherent in the wearing of handcuffs, even when properly applied. To address this concern, court-approved policy revisions that went into effect in January 2019 now eliminate handcuffing discomfort as a Type I use of force, requiring it instead to be separately tracked. (As a result, one should reasonably expect a substantial reduction in the amount of Type I force reported in 2019.) In addition, in 2018 the Department began using a new style of aluminum handcuffs with beveled edges and other features designed to make them less uncomfortable; the Department will track the effectiveness of this new equipment on complaints of pain in next year's report.

Conversely, Type II force declined by just under three percent (2.79%) in 2018, comprising 15.89% of force reported in 2018 (relative to 21.53% of all force reported in 2017).

In total, 24 Type III uses of force, across 14 separate incidents, were reported in 2018. While the small number and extreme infrequency of these incidents does not lend this category to statistical trend analysis, Type III incidents in 2018 comprised nine fewer uses of Type III force across two fewer incidents than in 2017. Three of these Type III uses of force involved the discharge of a firearm, across two separate Officer Involved Shooting (OIS) incidents. Each Type III incident, including the two OIS incidents, is described in greater detail in Section II of this report.

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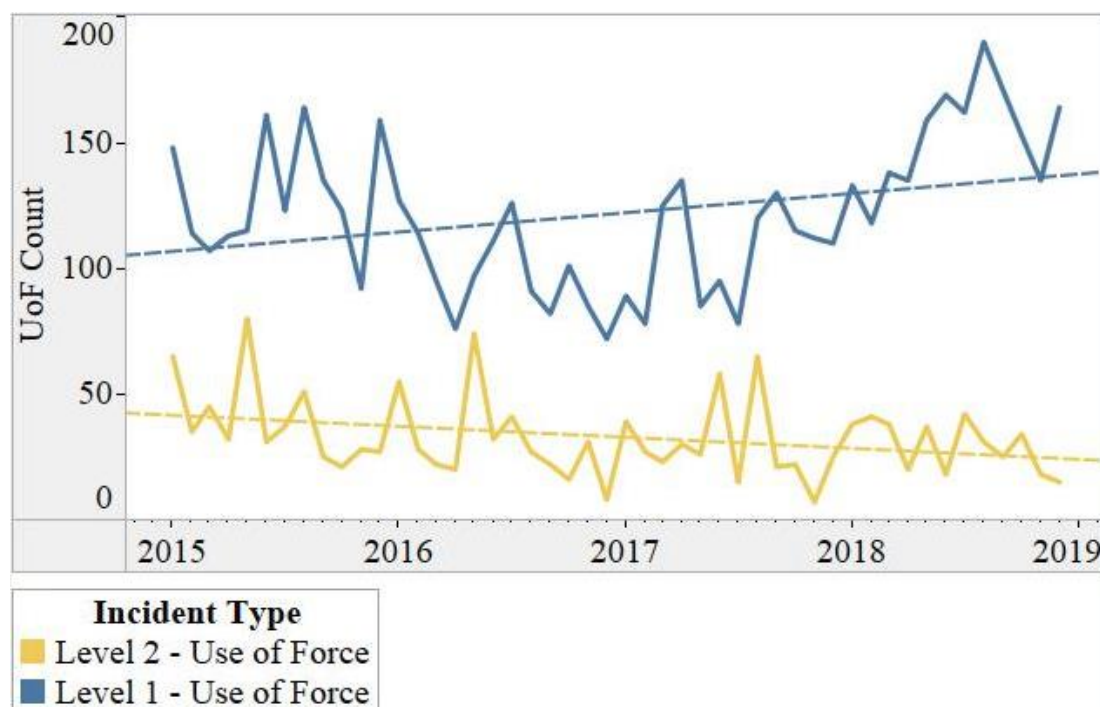
For purposes of showing trends over time, Table 1 shows all use of force reported between January 1, 2015 and December 31, 2018; Figure 2 shows a linear regression time series analysis of use of force trends, citywide, over a five-year time period dating back to 2014.

Table 1: Use of Force Counts by Year (January 1, 2015 – December 31, 2018)

Incident Type	2015	2016	2017	2018	Grand Total
Level 1 - Use of Force	1,554	1,177	1,272	1,818	5,821
Level 2 - Use of Force	477	376	358	348	1,559
Level 3 - OIS	15	5	21	3	44
Level 3 - Use of Force	20	20	12	21	73
Grand Total	2,066	1,578	1,663	2,190	7,497

A linear regression time series analysis of Type I and Type II force over this four-year period, citywide, is shown in Figure 2. As noted earlier, **Type III force continues to occur so infrequently in Seattle as to be considered a statistically random event and is therefore not subject to statistical trend analysis**, although each case is discussed later in this report. As across prior years, a continuous decline is observed in Type II force. Type I force appears graphically to be trending upwards; again, however, whether the observed increase in Type I force in 2018 is statistically meaningful, attributable to overreporting of discomfort as Type I force, or perhaps reflecting of not-unexpected normal periodicity or fluctuation of the data over time is cannot be determined from this data set or data period.

Figure 2: Use of Force Trends Citywide (2018)



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2. Use of Force by Administrative Assignment

Table 2 shows the distribution of force by type and bureau of involved officers' administrative assignment. In total, as would be expected, 93.3% of all reported force was related to patrol operations. The majority (88%) of uses of force were reported within the Patrol Operations Bureau, which is primarily responsible for beat patrols and 911 responses, while the Professional Standards Bureau, which includes the Field Training Unit (to which student officers on patrol are administratively assigned), accounted for 5.3% of all uses of force. All other bureaus (Homeland Security and Special Operations, Investigations, and Collaborative Policing) accounted for the remaining 6.5% of force reported.

Table 2: Distribution of Use of Force by Type and Bureau

	OPERATIONS BUREAU	PROFESSIONAL STANDARDS BUREAU	HOMELAND SECURITY AND SPECIAL OPERATIONS BUREAU	INVESTIGATIONS BUREAU	COLLABORATIVE POLICING BUREAU	Grand Total
	2018	2018	2018	2018	2018	
Level 1 - Use of Force	87.24%	6.00%	5.23%	0.66%	0.11%	100.00%
Level 2 - Use of Force	89.37%	2.01%	7.47%	1.15%		100.00%
Level 3 - Use of Force	80.95%	4.76%	14.29%			100.00%
Level 3 - OIS	66.67%					100.00%
Grand Total	87.49%	5.34%	5.66%	0.73%	0.09%	100.00%

Compared to 2017 data, these numbers reflect a 56% increase in Type I force in the Operations Bureau, a nearly 40% decrease in Type II force in the Homeland Security and Special Operations Bureau, and a 60% decrease in Type I force in the Investigations Bureau. See Table 3. Note: The Department presents these numbers for context only; meaningful inference should not be derived from measures of change over a short time period, particularly with the low counts observed here.

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Table 3: Percent Change of Distribution of Use of Force by Type and Bureau

Table 3. Types of Uses of Force by Bureau		Operations Bureau		Homeland Security and Special Operations Bureau		Professional Standards Bureau		Investigations Bureau	
		2017	2018	2017	2018	2017	2018	2017	2018
Level 1 Use of Force	Percent of total uses of force within each bureau	76%	83%	70%	77%	87%	93%	88%	75%
	Counts	1015	1586	103	95	123	109	30	12
	Percent change in use of force from 2017 to 2018	56%		(8%)		(11%)		(60%)	
Level 2 Use of Force	Percent of total uses of force within each bureau	22%	16%	29%	21%	11%	6%	9%	25%
	Counts	296	311	43	26	15	7	3	4
	Percent change in use of force from 2017 to 2018	5%		(40%)		(53%)		N/A (count is low)	

3. Use of Force by Subject Demographics

In discussing disparity in the demographic distribution of subjects involved in any study of law enforcement activity, one important note bears emphasizing. As is reflected in statistics nationwide, racial disparity is of significant ongoing concern, and is an important issue that requires continued discussion and analysis within the limited role of law enforcement but also beyond. In the present state of sociological and criminal justice research, there is no proven, reliable methodology for accounting for all the multitude of recognized factors that may combine to result in a disparity within the metric measured – including those critical factors upstream (education, socioeconomic status, family structure, etc.) of police involvement that may contribute to the likelihood a person will come into contact with police. ***In other words, while numbers can identify a disparity, they cannot explain the disparity.*** The Department is proud that in addition to its many research agreements with academic institutions around the country (including the University of Virginia and Harvard, Princeton, Northwestern and George Mason

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Universities), and the world (including University of Tel Aviv in Israel), the Department continues to maintain close research partnerships with Seattle University and the University of Washington – the latter two partnerships explore measures of racial disparity in police data. In addition, the Department continues to partner closely with the Institute on Race and Justice at Northeastern University in Boston, MA. ***All these strategic partnerships are focused on better understanding the causes and remedies for observed disparity across law enforcement metrics.***

With respect to the Department's 2018 data, 72.4% of subjects were male; 26.44% were female. Approximately 41% of male subjects were white; nearly half (47.15%) of female subjects were white. Figure 3 shows the distribution of force subjects by race and gender; table 4 shows the distribution in subject race by level of force. No significant differences were observed when broken down by level (type).

Figure 3: Use of Force by Subject Gender and Race

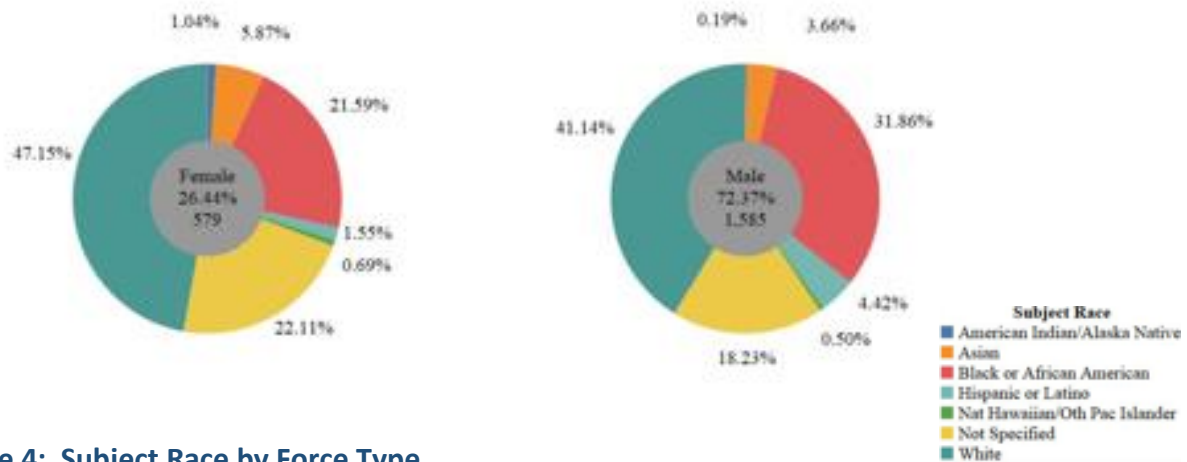


Table 4: Subject Race by Force Type

	White	Black or African American	Not Specified	Asian	Hispanic or Latino	Nat Hawaiian/Oth Pac Islander	American Indian/Alaska Native	Grand Total
Level 1 - Use of Force	42.30% (n=769)	28.22% (n=513)	21.07% (n=383)	4.35% (n=79)	3.14% (n=57)	0.61% (n=11)	0.33% (n=6)	100.00% (n=1,818)
Level 2 - Use of Force	42.82% (n=149)	31.61% (n=110)	14.66% (n=51)	3.45% (n=12)	6.32% (n=22)	0.29% (n=1)	0.86% (n=3)	100.00% (n=348)
Level 3 - Use of Force	47.62% (n=10)	33.33% (n=7)	9.52% (n=2)	9.52% (n=2)				100.00% (n=21)
Level 3 - OIS	66.67% (n=2)		33.33% (n=1)					100.00% (n=3)
Grand Total	42.47% (n=930)	28.77% (n=630)	19.95% (n=437)	4.25% (n=93)	3.61% (n=79)	0.55% (n=12)	0.41% (n=9)	100.00% (n=2,190)

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Of the 12 subjects involved in Type III (non-OIS) incidents, discussed individually in Section II, seven were White males; four were Black males; two were Asian-Pacific Islander males; and one was a White female. Of two subjects involved in OIS incidents, one was a White male and one was an Asian-Pacific Islander male.

4. Use of Force by Dispatch Type and Priority¹

Officers are logged to calls either by a dispatcher (e.g., in response to a 911 call) or by on-viewing an incident (observing an incident while on patrol) and responding. Of the 2,020 use of force reports that could be associated to a CAD event in 2018, most (75%) were calls in which the officer was dispatched in response to a call for service from the public. A breakdown of use of force, by type, distinguished between dispatches and on-views, is presented in Table 5.

Table 5: Use of Force by Dispatch Type

	DISPATCH			2018 ONVIEW			Total		
	UoF Count	% of UoF	%Δ	UoF Count	% of UoF	%Δ	UoF Count	% of UoF	%Δ
Level 1 - Use of Force	1,272	75.89%	55.69%	404	24.11%	33.77%	1,676	100.00%	49.78%
Level 2 - Use of Force	223	69.47%	13.20%	98	30.53%	5.38%	321	100.00%	10.69%
Level 3 - Use of Force	10	50.00%	66.67%	10	50.00%	100.00%	20	100.00%	81.82%
Level 3 - OIS	2	66.67%	-89.47%	1	33.33%		3	100.00%	-84.21%
Grand Total	1,507	74.60%	45.04%	513	25.40%	28.25%	2,020	100.00%	40.38%

The reasonableness of force, both in law (*see, e.g., Graham v. Connor*, 490 U.S. 386 (1989)) and in policy (*see* SPD Manual Section 8.000(4)) is based in part on the totality of the circumstances known to the officer at the time the force used, and considered from the perspective of the reasonable officer on the scene, rather than with 20/20 hindsight and the benefit of additional information. In that regard, call type and priority can be considered to some degree as *a priori* (theoretical, or deductive) knowledge of the circumstances to which an officer is responding.

Calls for service, whether dispatched or officer-initiated, are assigned a priority, based on the immediacy of the need. Priority 1 calls are incidents that require an immediate response, including incidents that involve obvious immediate danger to the life of a citizen or an officer. Priority 2 calls are noted as urgent, or incidents which if not policed quickly could develop into a more serious issue (such as a threat of violence, injury, or damage). Priority 3 calls are investigations or minor incidents where response time is not critical to public safety. Priority 4 calls involve nuisance complaints, such as fireworks or loud music. Priority 7 calls are officer-

¹ These numbers exclude a small fraction of force reports that could not be cross-referenced with a specific CAD event.

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initiated events, such as traffic stops; Priority 9 is used to indicate administrative tasks or downtime. As would be expected, across force levels, the highest frequency of force occurred in connection with Priority 1 calls. A breakdown of force, by level, call priority, and percent change relative to 2017 is presented in Table 6. As shown, 40% of all use of force was associated with a Priority 1 call; another 36.93% of force was associated with a Priority 2 call. The largest observed increase was in the use of Type I force in Priority 2 calls, up 75.56% relative to 2017.

Table 6: Levels of Use of Force by Call Priority (2018)

		Level 1 - Use of Force	Level 2 - Use of Force	Level 3 - Use of Force	Level 3 - OIS	Total
1	UoF Count	683	130	5	2	820
	% of UoF	40.75%	40.50%	25.00%	66.67%	40.59%
	%Δ	39.39%	16.07%	150.00%	-88.24%	32.05%
2	UoF Count	632	110	4		746
	% of UoF	37.71%	34.27%	20.00%		36.93%
	%Δ	75.56%	42.86%	-42.86%		68.02%
3	UoF Count	237	39	7		283
	% of UoF	14.14%	12.15%	35.00%		14.01%
	%Δ	49.06%	-23.53%		-100.00%	33.49%
4, 7, 9	UoF Count	124	42	4	1	171
	% of UoF	7.40%	13.08%	20.00%	33.33%	8.47%
	%Δ	12.73%	-16.00%	100.00%		5.56%
Grand Total	UoF Count	1,676	321	20	3	2,020
	% of UoF	100.00%	100.00%	100.00%	100.00%	100.00%
	%Δ	49.78%	10.69%	81.82%	-84.21%	40.38%

When an incident is created by Communications, whether initiated in response to a 911 call for service or called in by an officer on-scene, the incident is assigned an initial call type based on information that is reported at the outset. Table 7 sets forth the top ten initial call types that were associated with the majority of uses of Type I and Type II force. Because Type III uses of force are statistically random events, they are excluded from this analysis.

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Table 7: Top Ten Initial Call Type by Resulting Level of Use of Force

	Level 1 - Use of Force	Level 2 - Use of Force	Grand Total
DISTURBANCE, MISCELLANEOUS/OTHER	19.83%	4.45%	24.28%
SUSPICIOUS PERSON, VEHICLE OR INCIDE..	8.41%	4.69%	13.10%
ASLT - IP/JO - WITH OR W/O WPNS (NO SHO..	9.62%	1.32%	10.94%
ASLT - IP/JO - DV	8.41%	0.84%	9.25%
SUSPICIOUS STOP - OFFICER INITIATED ON..	5.53%	2.52%	8.05%
DIST - IP/JO - DV DIST - NO ASLT	7.09%	0.96%	8.05%
TRAFFIC STOP - OFFICER INITIATED ONVIE..	5.77%	1.20%	6.97%
AUTO RECOVERY	6.49%	0.48%	6.97%
FIGHT - IP - PHYSICAL (NO WEAPONS)	4.81%	1.56%	6.37%
WEAPN-IP/JO-GUN,DEADLY WPN (NO THRT..	4.45%	1.56%	6.01%
Grand Total	80.41%	19.59%	100.00%

Calls are assigned a final call type that is based on information gathered during the call and response and standards for federal crime reporting. Types I and II force were most frequently associated with incidents that resolved as Assault, Other (25.83%), followed by Crisis Complaint – General (13.48%), Domestic Violence with Mandatory Arrest (12.73%), Warrant Services – Felony (9.37%), and Traffic – DUI (5.2%). See Table 8.

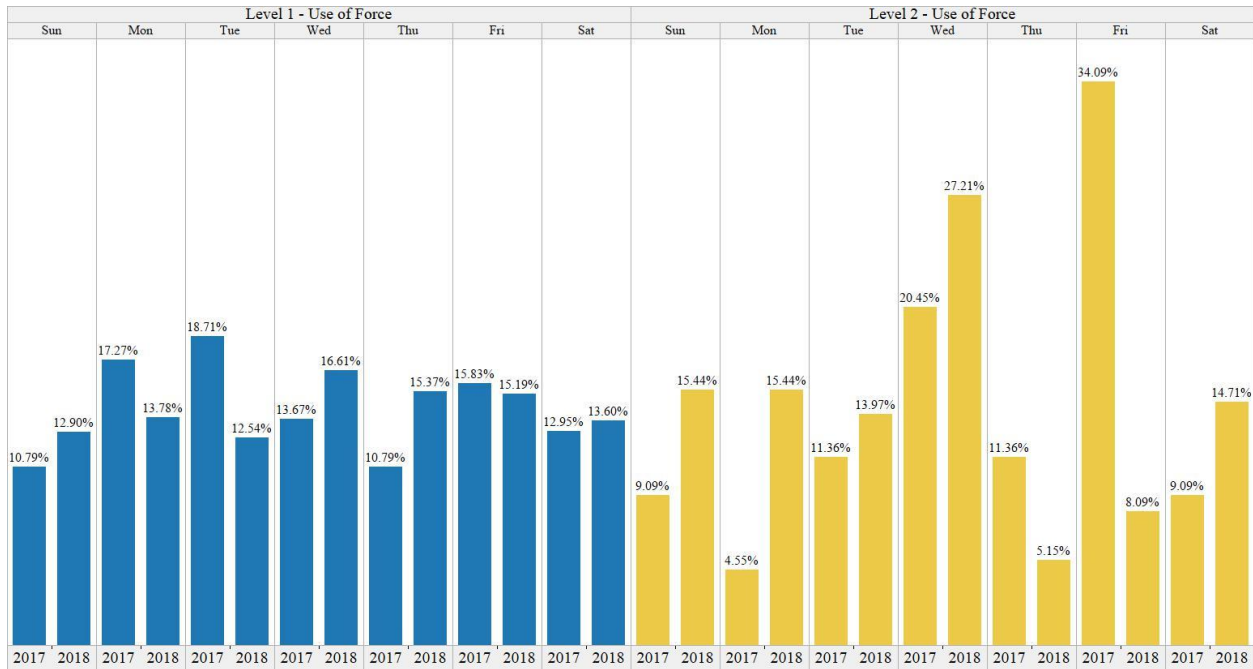
Table 8: Top Ten Final Call Types by Resulting Level of Use of Force

	Level 1 - ..	Level 2 - ..	Grand To..
--ASSAULTS, OTHER	18.41%	7.42%	25.83%
--CRISIS COMPLAINT - GENERAL	11.67%	1.82%	13.48%
--DV - DOMESTIC VIOL/ASLT (ARREST M..	11.82%	0.91%	12.73%
--WARRANT SERVICES - FELONY	7.50%	1.89%	9.39%
--TRAFFIC - D.U.I.	8.79%	0.53%	9.32%
--ASSAULTS - HARASSMENT, THREATS	6.06%	1.67%	7.73%
--PROWLER - TRESPASS	5.30%	0.45%	5.76%
--WARRANT SERVICES - MISDEMEANOR	4.70%	0.98%	5.68%
--NARCOTICS - OTHER	4.39%	1.06%	5.45%
--AUTOMOBILES - RECOVERY (THEFT)	4.17%	0.45%	4.62%
Grand Total	82.80%	17.20%	100.00%

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5. Use of Force by Day and Time

Figure 4: Average Use of Force by Day of Week



The distribution of force across day of the week is shown in Figure 4. Use of Type I force was reported to occur most frequently on Wednesday (16.61%) and Thursday (15.37%). Use of Type II force was reported most frequently on Wednesday (27.21%) and Sunday or Monday, equally (15.44%). Rate of Type I force appears to have shifted from Monday and Tuesday to Wednesday and Thursday. Generally, Type II force was found to be volatile across the week, with reports declining substantially on Fridays, from 34.09% to 8.09% in 2018.

Distribution of force across the watches remained consistent in 2018. Type I force was most frequently reported as occurring during 3rd watch. Type II force was most frequently reported on 2nd watch. Type III (OIS included) was dispersed across the watches. See Table 9.

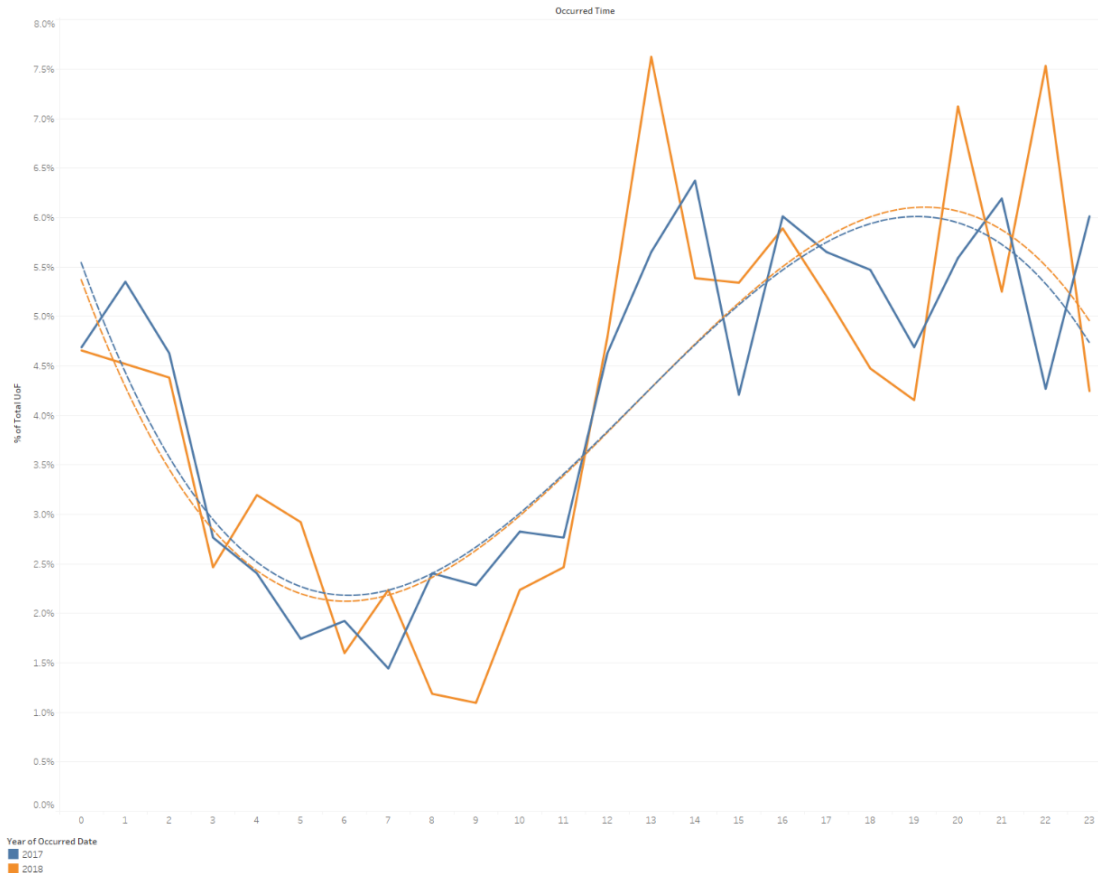
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Table 9: Distribution of Use of Force by Type and Watch²

		Level 1 - Use of Force	Level 2 - Use of Force	Level 3 - Use of Force	Level 3 - OIS
2017	1st Watch	13.17% (n=219)	4.45% (n=74)		0.18% (n=3)
	2nd Watch	29.77% (n=495)	10.22% (n=170)	0.48% (n=8)	0.30% (n=5)
	3rd Watch	33.55% (n=558)	6.86% (n=114)	0.24% (n=4)	0.78% (n=13)
2018	1st Watch	13.61% (n=298)	2.88% (n=63)	0.37% (n=8)	0.09% (n=2)
	2nd Watch	33.56% (n=735)	7.12% (n=156)	0.46% (n=10)	0.05% (n=1)
	3rd Watch	35.84% (n=785)	5.89% (n=129)	0.14% (n=3)	

Distribution of force across the 24-hour day maintained a curvilinear pattern virtually indistinguishable in 2018 relative to 2017. See Figure 5.

Figure 5: Use of Force Rates by Time of Day



² Officers are assigned to one three watches. First watch is from 0300-1200 hours, or 0330-1230. Second Watch is from 1100-2000, or 1130-2030. Third Watch is from 1900-0400 or 1920-0430.

USE OF FORCE ANNUAL REPORT**C. Use of Force – Less Lethal Devices**

As defined in SPD Manual Section 8.050, less lethal devices are “devices designed and intended to apply force not intended nor likely to cause the death of a subject or great bodily harm.” Approved Department-issued devices include conducted electrical weapons (Taser), impact weapons (baton), and Oleoresin Capsicum (OC) spray. In addition, vehicle related tactics, neck/carotid restraints, and canine deployments are tracked as less lethal tactics; hobble restraints, which can be used to restrain a subject’s limbs, and Noise Flash Diversionary Devices (NFDDs), a device typically used by SWAT which cause a large flash and a noise and are intended to disorient, but not make contact with, a subject are also tracked in this category. A breakdown of incidents involving one or more less lethal tools is provided in Table 10.

Table 10: Less-Lethal Deployments (January 1 – December 31, 2018)

Tool	Number of Incidents	Number of Involved Officers
Taser	25	29
Baton (Pressure Point)	1	1
Hobble Restraint	3	3
NFDD	19	27
Canine	9	9
Vehicle Tactics (PIT)	1	2
Vehicle Tactics – Other (pinch)	6	13
OC – Pepper Spray	6	7
Chemical Other	2	2
Blast Balls	0	0
Stop Stick Deployment	0	0

6. Less-Lethal Devices – Taser³

The use of a Taser is governed by SPD Manual Section 8.300, Use of Force Tools. As with any less lethal tool, it may be used “to interrupt a subject’s threatening behavior so that officers may take physical control of the subject with less risk of injury to the subject or officer than posed by greater force applications. Less-lethal devices alone cannot be expected to render a suspect harmless.”

Tasers operate in two primary modes: “probe” (or “dart”) mode and “contact” (or “drive stun”) mode. In dart mode, Tasers use compressed nitrogen to fire two barbed probes (darts). Electricity travels along thin wires attached to the probes and can bring about uncontrolled

³ This report follows on the Department’s 2016 Taser Report, a stand-alone report that describes in greater detail how Taser deployments are tracked and reported. A copy of that report can be accessed at <http://spdblotter.seattle.gov/wp-content/uploads/2017/12/Taser-Report-2016.pdf>.

muscle contractions which override an individual's voluntary motor function (neuromuscular incapacitation, or NMI). In drive stun mode, the device is placed in direct contact with the subject's body; in this manner of deployment, the Taser is intended to cause significant pain, but it does not override motor function.

By policy, Seattle Police Officers are required to carry at least one less-lethal tool (Taser, baton, or Oleoresin Capsicum (OC) spray). Officers who choose to carry Tasers are required to attend a two-day training course before being issued their device.

The Department tracks all Taser deployments (whether in dart mode or stun mode) as a Type II use of force, regardless of whether the Taser application was effective or not in bringing the subject under control. Each Taser application is reported as a separate force count; an officer who deploys their Taser twice in the course of an incident, e.g., is required to report that as two separate applications. Arc warnings (a spark triggered as a visual indicator of the Taser's capacity to enhance a verbal warning) and the pointing of the device's laser alone, are not reportable events.

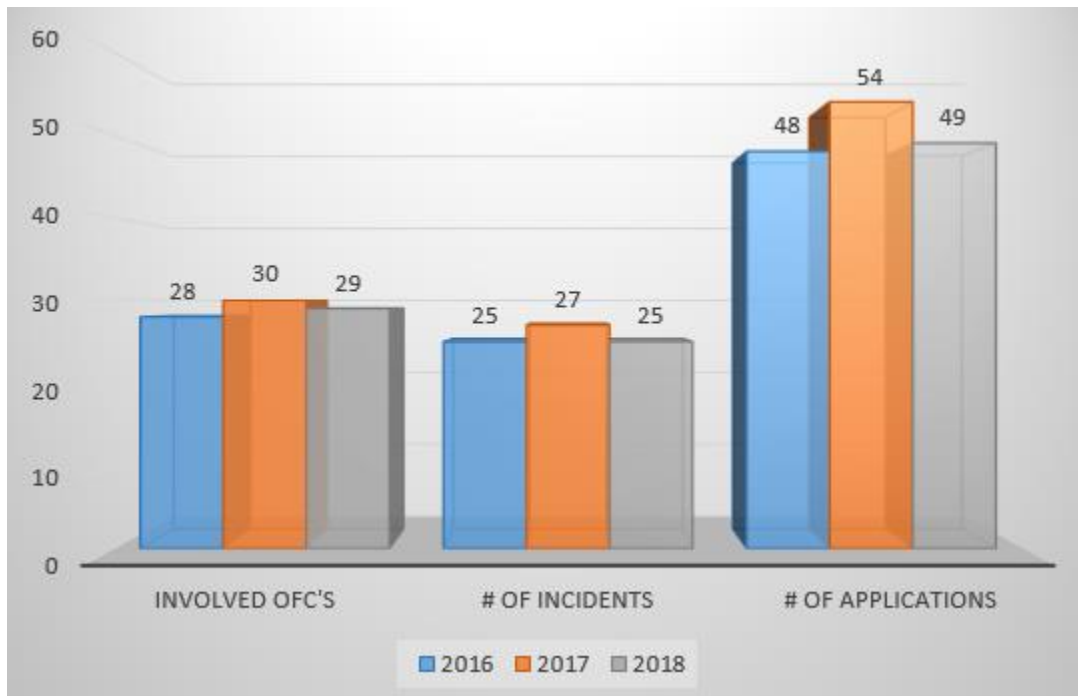
In reviewing data around Taser deployments, it is important to note that the low frequency with which Seattle officers deploy Tasers precludes drawing statistically meaningful inferences from these numbers.

a. Taser Deployments

In total, in 2018, 29 Seattle Police officers reported deploying/activating their Taser 49 times across 25 separate use of force incidents. (In other words, in some instances, the involved officers deployed their Tasers more than once in the same incident.) Most of these incidents (80%) involved one or two Taser activations. As shown in Figure 6, the numbers reported for 2018 are consistent with those reported the prior two years with respect to the number of officers involved, the number of incidents in which a Taser was used, and the total number of Taser applications.

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Figure 6: Trends over Time in Taser Deployments



b. Taser Effectiveness

Officers are required to report on the effectiveness of all force used, from verbal commands to discharging a firearm, as “effective” or “not effective” under the guideline that “if the force used allowed you to take the subject into custody,” then it was effective. If it did not, then it was not effective. Officers make this determination for each type of force they apply in a given incident.

Force Type *

Electronic Control (ECD / Taser) ▼

Was the Force Effective? *

☐ Yes

☐ No

☐ Limited

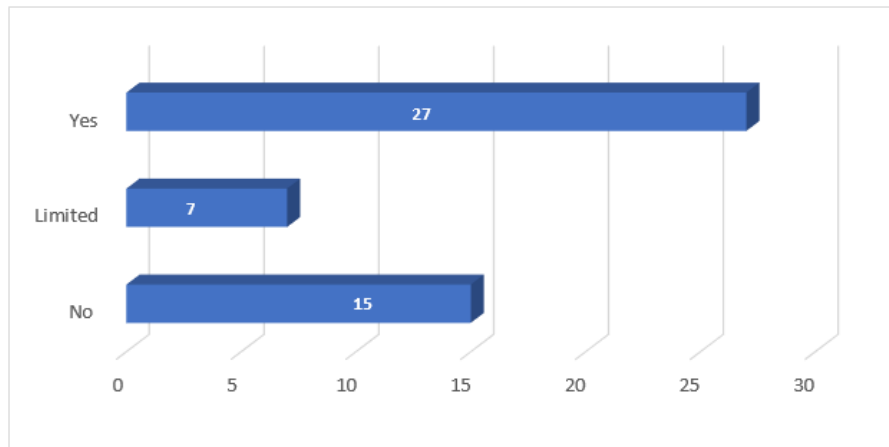
The Taser reporting module (shown to the left) allows officers to report force as “Effective,” “Limited,” or “Not Effective.” Effectiveness is determined by the involved officer at the time of Taser activation and is based on their training and prior

experience. If an officer believes the Taser was effective in taking the subject into custody, that officer should report the Taser application as “effective.” If the application had some useful effect in taking the person into custody, it should be reported as limited. If the Taser failed, misfired, missed, did not result in NMI, or otherwise was not useful in taking the person into custody, the deployment should be reported as having “No Effect.”

One limit to this reporting interface is that officers evaluate the effectiveness of Taser application with regard to his or her deployments in the aggregate, rather than assessing each deployment

individually. In other words, if an officer deploys three Taser applications, the third of which is effective but the first two are not, the reporting interface would reflect that officer's Taser use, overall, as effective. For purposes of this report, for incidents that involved multiple applications, narratives were examined to determine the effectiveness of each application separately. In the hypothetical example above, accordingly, three applications would be reported, one of which was effective, and two of which were not.

Figure 7: Overall Taser Effectiveness by Activation



A breakdown of Taser effectiveness, by activation count, is shown in Figure 7. In 27, approximately 55% of the 49 total activations across 25 incidents, the Taser was reported to be effective in taking the person into custody; it was reported not to be

effective in 15, or approximately 31%, of the 49 applications. The Taser was reported to be of limited effect in the remaining 14% of applications. Seattle's Taser effectiveness rate is consistent with those reported by other agencies; see, e.g., Los Angeles Police Department's 2016 Use of Force Year-End Review, reporting a 58% Taser effectiveness rate (<http://assets.lapdonline.org/assets/pdf/2016-use-of-force-year-end-review-small.pdf>).

c. Taser Effectiveness by Application Type

In addition to dart-mode (or probe deployment) and drive-stun, officers may classify certain applications as either "probe/contact" or "re-energize." A probe/contact application indicates a situation in which the Taser is fired in dart mode, at least one probe makes good contact, but NMI is not achieved. In this circumstance, the Taser is deployed in drive stun elsewhere on the body to complete the circuit in an effort to achieve NMI. The "re-energize" classification indicates a situation in which an officer is required to apply a second or third trigger pull in order to recycle the electric current; as each application is separately described in the officer's Blue Team statement, a "re-energize" application would necessarily appear in conjunction with another mode of deployment. Again, multiple applications may be reported in a single incident; returning to the hypothetical example of the three applications, only the last of which was effective, one might envision that situation to entail a probe deployment, a re-energizing application, followed by a probe/contact.

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Figure 8: Taser Deployments by Activation Type

A breakdown of Taser deployments by activation type (or mode) is presented in Figure 8; Figures 9(a) and (b) show a breakdown of Taser effectiveness by activation type. As shown between these two figures, the majority (80%; n=39) of all Taser deployments in 2018 were in “probe” mode. Of these, 23, or approximately 59%, were reported to be effective; 11 were reported to be not effective, and the remaining five were reported to be of limited effect.

No Taser deployments were made in contact mode during 2018. Both (100%) of the 2 probe/contact applications were effective.

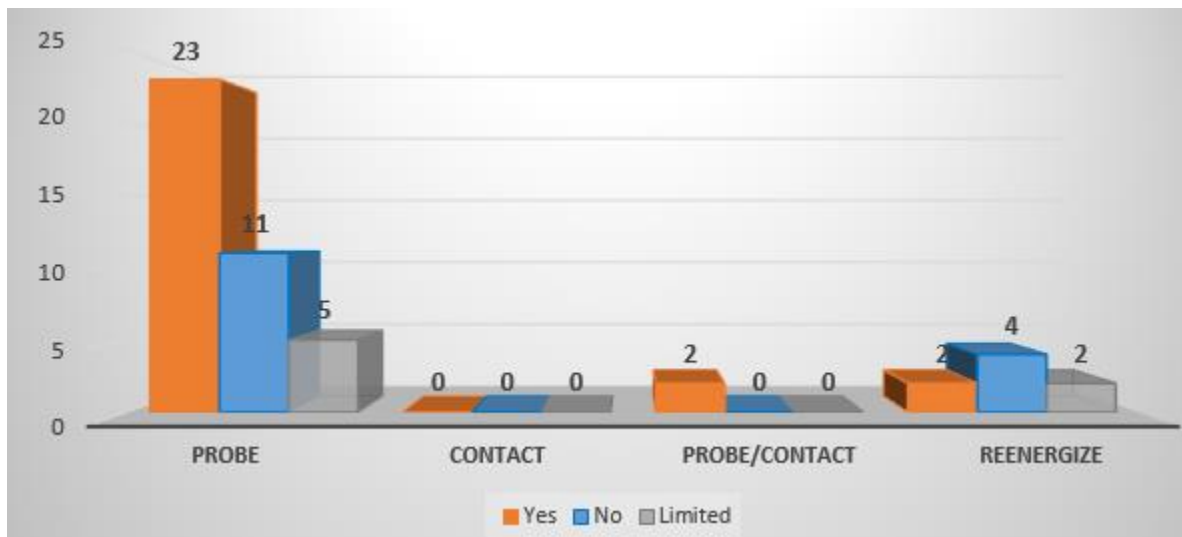
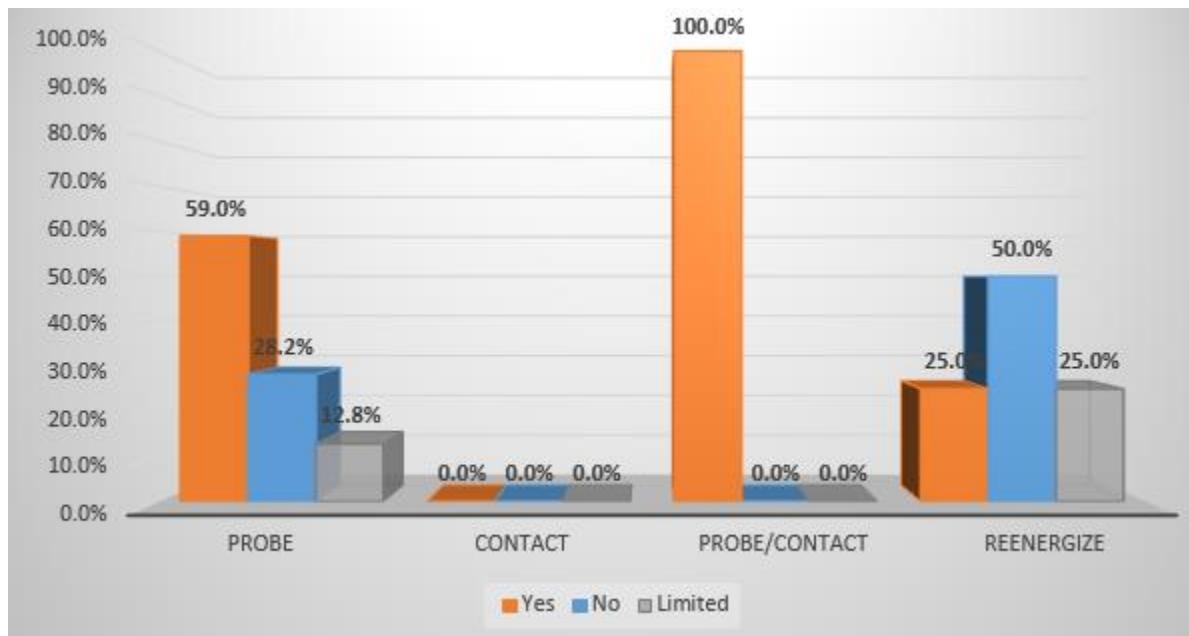
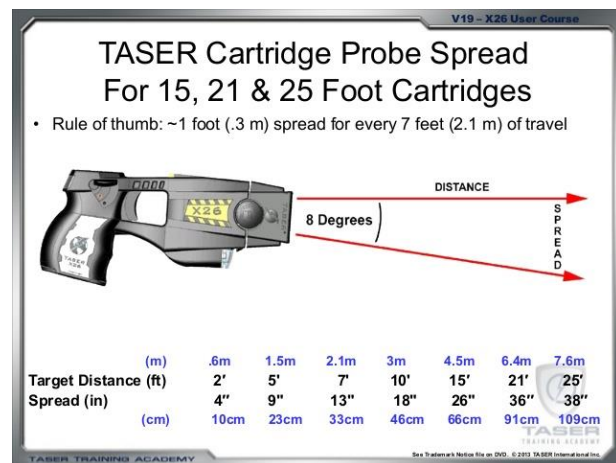
Figure 9(a): Taser Effectiveness (Count) by Activation Type

Figure 9(b): Taser Effectiveness (Percent) by Activation Type

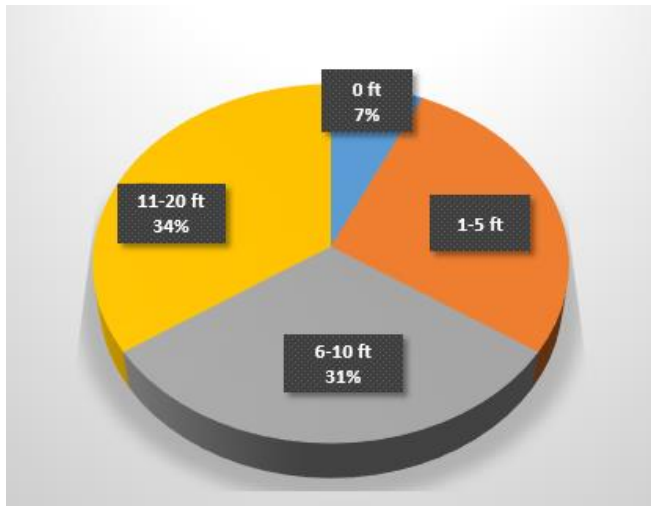
a. Taser Effectiveness by Subject Distance

To work in probe, or dart, mode, there must be adequate spread between the probes to generate a sufficient current to cause NMI. Due to the trajectories and lag of the probe wires, the greater the distance the officer is from the subject, the greater the spread will be; as shown in the graphic to the right, Taser estimates an approximate one foot spread per seven feet of travel. Optimum distance for a Taser deployment is 7-12 feet, with a target of center mass. In probe mode, the spread between probes must be generally be a minimum of four inches to be effective.



The reporting module for Taser deployments requires officers to report their estimated distance from the subject by way of four drop-down range selections of 0 feet (as would be the case in contact mode), 1-5 feet, 6-10 feet, and 11-20 feet. A breakdown of Taser deployments by distance from subject is presented in Figure 10; Figures 11(a) and (b) show a breakdown of Taser effectiveness by distance.

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Figure 10: Taser Deployments by Distance from Subject

In two instances, officers reported Taser deployments at 0 feet, both of which (contact/probe applications) were deemed effective. Of the 15 deployments that were reported at a distance of 1-5 feet, five were reported to be effective, four were reported to be not effective, and six were reported to be of limited effect. At a distance of 6-10 feet, nine of 14 deployments were reported to be effective; the remaining were reported to be not effective. Of the 18 deployments that were reported at a distance of 11-20

feet, the majority (11) were reported to be effective; six were reported to be not effective, and one was of limited effect.

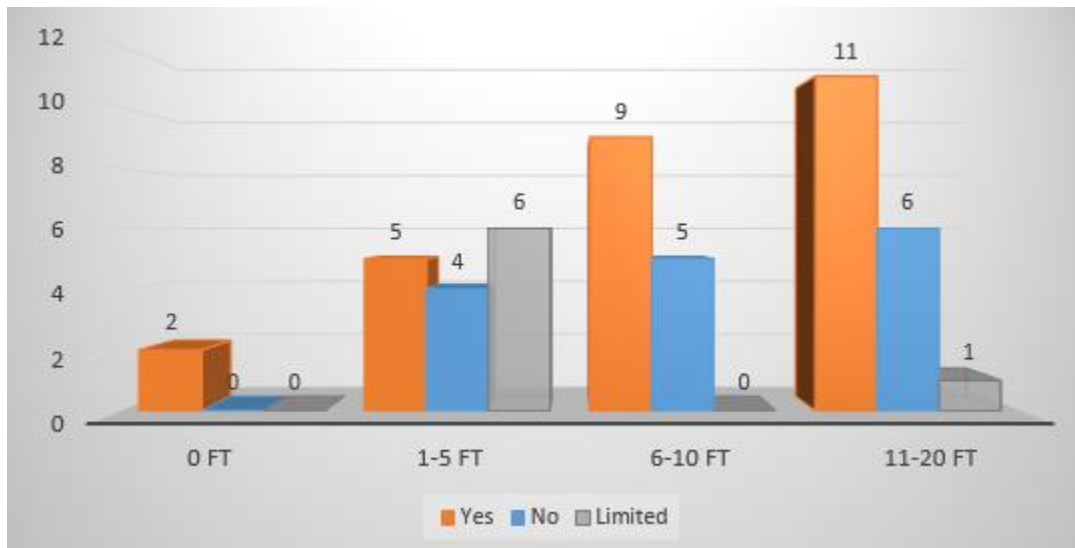
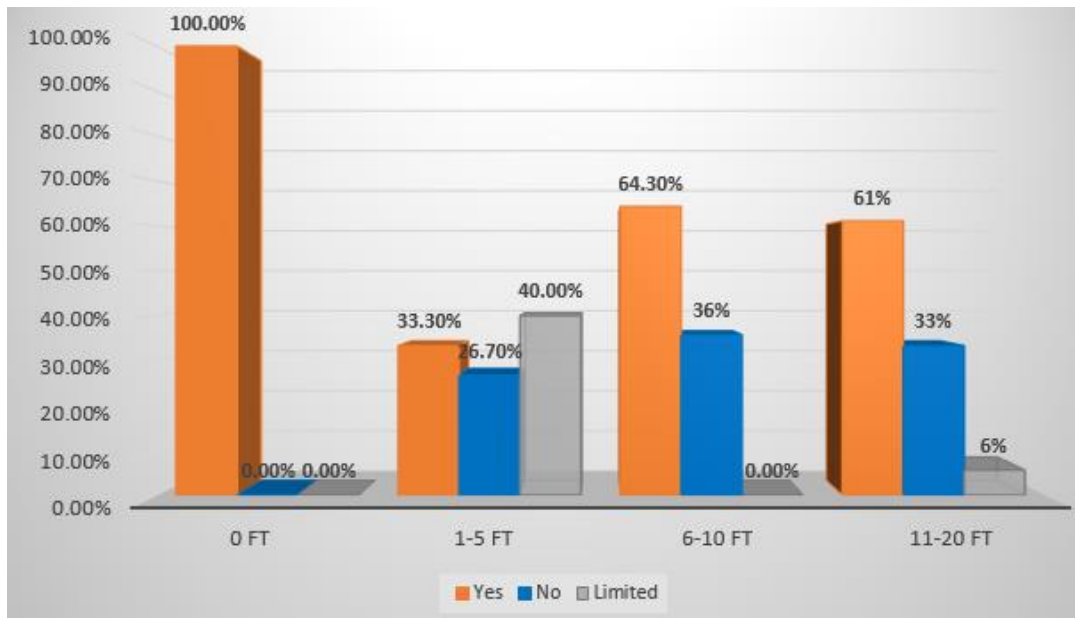
Figure 11(a): Taser Effectiveness (Count) by Distance from Subject

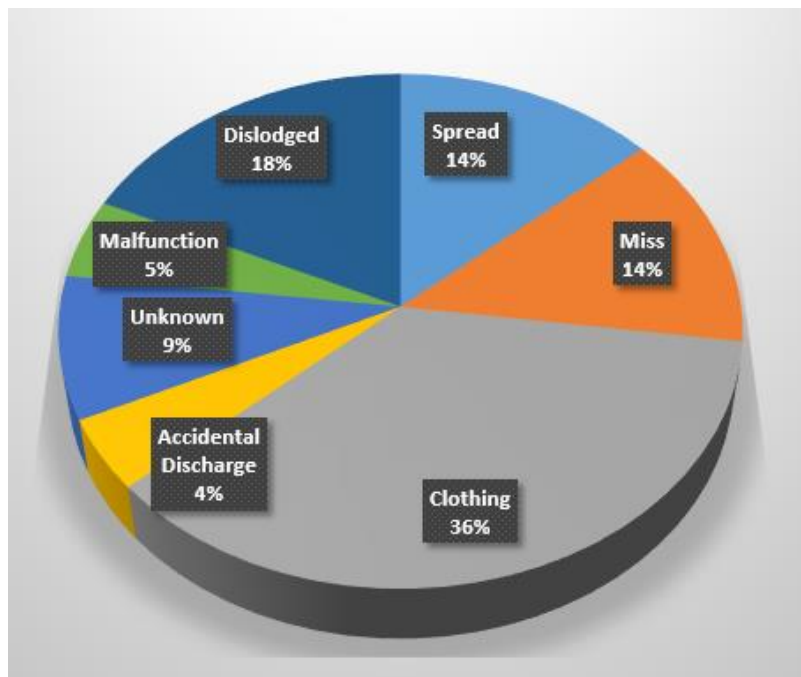
Figure 11(b): Taser Effectiveness (Percent) by Distance from Subject

b. Factors Limiting Taser Effectiveness

Several factors may impact the effectiveness of a Taser, including a missed probe, low spread between probes, heavy or baggy clothing, low or high body mass. The physiological state of a subject may also impact Taser effectiveness. Where a Taser application is not effective, officers are required to identify in their statements the reason so, based on their training and perspective at the time of the deployment. The Taser reporting module provides the following options for recording Taser ineffectiveness:

- Spread (i.e., insufficient to cause NMI);
- Miss (i.e., probes did not strike the subject);
- Clothing (e.g., thick, puffy, and baggy clothing may cause a gap between the subject and the probe, resulting in a disconnect and ultimately failure of the application);
- Cartridge Failed: Didn't activate.

A breakdown of those factors identified as limiting Taser effectiveness is shown in Figures 12(a) and (b).

USE OF FORCE ANNUAL REPORT**Figure 12(a): Factors Limiting Taser Effectiveness (Count)****Figure 12(b): Factors Limiting Taser Effectiveness (Percent)**

Of the 22 Taser deployments that were reported to be not effective or of limited effect, clothing was identified as the limiting factor in the majority of instances (n=8). In three instances, one or more Taser probes missed the subject; in three, the officers reported insufficient spread between the probes. No reason was provided in two instances, and an accidental discharge was reported in one instance.

SECTION II: FORCE INVESTIGATION AND REVIEW

All uses of force are thoroughly and critically reviewed. While the section above provides data and statistics about the frequency and distribution, it is the substantive review of each force case by the chain of command, the Force Review Unit, and the Force Review Board that determines whether force is in or out of SPD policy. If any reviewer in the chain of command or the FRU, or if the FRB by consensus, finds an indication of a policy violation, whether related to the force or otherwise, that case is required to be referred to the Office of Police Accountability for further review and a determination about whether there is any policy violation, and if so, the level of recommended discipline. In addition, the OPA Director or his designee sits in on all FRB discussions, and has the prerogative to further review any case regardless of whether the FRB separately refers.

This Section describes the investigation and review processes for Types II and III uses of force, provides a summary of each Type III force investigation initiated by the Force Investigation Team (FIT) between January 1 – December 31 2018, and discusses assessments by the Force Review Board (FRB) of both Type II and Type III cases reviewed during 2018.

A. INVESTIGATION OF FORCE

1. Investigation of Type II Use of Force

Investigation and Review of Type II uses of force are governed by SPD Manual Sections 8.400 and 8.500.

Officers who are involved in using Type II force are required to notify an on-duty sergeant of the incident, upload and flag in-car video with the incident number, complete necessary documentation relating to the incident (General Offense report) and submit a detailed use of force statement before leaving their shift. Officers who witness a Type II use of force are likewise required to submit a witness officer use of force statement prior to ending their shift.

The responding Sergeant is responsible for conducting the investigation into the use of force. The Sergeant interviews the subject, the involved officer(s), any witness officers, and any civilian witnesses. The Sergeant reviews the officer's statement to ensure it is thorough and complete, secures relevant in-car video, and provides a summary narrative of the incident and description of the evidence gathered and the investigative process. This summary, and all supporting documents, are then forwarded up the chain of command.

USE OF FORCE ANNUAL REPORT**2. Investigation of Type III Use of Force**

Investigation of Type III uses of force, including Officer Involved Shootings, are governed by Manual Sections 8.400 and by the FIT Manual, a comprehensive guide for conducting thorough, complete investigations, interviews, and analysis.

The Force Investigation Team is responsible for investigating all Type III uses of force by Seattle officers. FIT also investigates serious assaults against officers, any discharge of a firearm by an officer, in-custody deaths (both within SPD custody or, by agreement with the King County Jail, any deaths occurring in the jail or within 72 hours of release of the jail), and any use of force incident in which the supervisor believes there was misconduct in the application of the force.

FIT consists of a Captain, a Lieutenant, a Sergeant, and six Detectives. The team is deliberately decentralized from SPD headquarters, and is instead located in the same building as the Crime Scene Investigation Unit and the State Crime Lab at Airport Way Center. This location facilitates ease of access to the Evidence Section, the Crime Lab, the Photo Lab, and allows for privacy of officers from their coworkers at each precinct when needed as witnesses in a FIT case.

Table 11 shows a breakdown of total FIT responses from 2014 to 2018. Response total reflects all responses by the FIT team, including non-force-related incidents (e.g., assisting an outside agency, jail death, or assault on officer investigation). The number of officers reflects the total number of officers who used force at any level (Type I, II, or III) across all incidents investigated by FIT; because each force case is investigated according to the highest level used in that incident, one FIT case can include multiple uses of force at lower levels as well.

Table 11: Total FIT Responses (2014-2018)

Year	Responses	Number Of Officers	OIS (Fatal)	Returned to Patrol	In- Custody Death	Unintentional Discharge	Potential Misconduct
2014	46	70	9 (5)	8	2	3	2
2015	26	50	5 (2)	3	2	3	2
2016	32	49	4 (2)	4	1	2	2
2017	26	49	6 (3)	3	5	1	1
2018	28	61	2 (2)	0	5⁴	4	4

⁴ As discussed below, these investigations included the deaths of four subjects in the custody of the King County Jail and one death of a subject in the custody of the Washington State Patrol.

Of the 28 incidents that FIT investigated in 2018,

- Fourteen involved Type III use of force by one or more Seattle Police Officers, two of which were Officer Involved Shootings (OIS), both of which were fatal;
- Four involved force that, after investigation, was reclassified as Type II;
- Four were unintentional firearm discharges that did not result in any injuries;
- Five concerned an in-custody death, four of which involved subjects in King County Jail custody, and one of which involved a subject in Washington State Patrol custody (none involving any SPD use of force);
- One required FIT to investigate a criminal assault by a subject on a Seattle Police Officer.

a. FIT Response Process⁵

A typical FIT response is initiated when FIT receives a screening call from an on-scene sergeant or other supervisor. FIT directs the supervisor to sequester the involved officers and have them escorted individually, by an uninvolved officer to the FIT office. The OPA Director, the Crime Scene Investigation Unit (CSI), Training Unit, and executive members of Command Staff are also notified to respond to the scene as appropriate.

FIT detectives are responsible for gathering physical evidence, eyewitness and involved subject statements, and any video evidence, both at the scene and through later canvassing of the neighborhood, news media and internet. At the scene, the lead FIT investigator consults with CSI, Training, and OPA regarding the evidence gathered; if there is any indication of criminal conduct by the officer, the investigation is bifurcated such that the administrative review of the incident is screened from the criminal investigation. No case investigated during either 2015 or 2016 involved a criminal allegation.

Involved and eyewitness officers are interviewed, separately, at the FIT offices, for purposes of capturing as close to the event as possible their perceptions and recollections of the incident. Recognizing that video is only one piece of evidence, can be misleading, and is often incomplete, FIT has moved towards not permitting officers to watch video prior to giving their statements, so as to capture as cleanly as possible what the officer perceived leading up to and the moment the force was used.

When complete, the FIT investigation, and CSI investigation if any, is formally presented to the Force Review Board. A completed FIT investigation is required to cover, where applicable:

- A summary of the incident;
- Scene description, diagram, and/or photographs;

⁵ FIT policy and procedure is set forth in greater detail in SPD Manual Section 8.400.

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- Witness and video canvass;
- Subject information;
- Witness information;
- Injuries, either to officer or subject;
- All physical evidence;
- Clothing analysis;
- Weapons and weapon testing/analysis;
- Personnel involved;
- Any communications concerning the incident or the investigation;
- FIT callout notifications; and
- Detective's log of investigation steps.

b. 2018 FIT Responses

The descriptions presented in Table 12 are intended to provide neutral but informative statements of each of the 28 incidents to which FIT responded during 2018. They are not intended to provide a detailed analysis, nor are they intended to convey a qualitative determination as to the use of force, which by policy is the purview of the FRB in each of these cases. Further, while an overview of the FRB's case dispositions in 2018 in the aggregate is presented later in this section, not all cases described here have yet undergone FRB review.

Table 12: FIT Investigations - 2018

Incident No.	Precinct	Event Summary
2018-043287 Type II 2 Involved Officers Type I – 1 Officer <i>Subject White</i> <i>male, age 20</i>	Southwest	A Southwest Precinct Officer on-viewed the male subject tagging a fence with spray paint at Delridge Way SW and SW Henderson. The subject resisted arrest, and after a brief struggle and placement on the ground, the officer was able to gain control of the subject. A second officer arrived to assist, and the subject was placed in a standing position and held against the patrol car. The second officer maintained a hold on the subject while the first officer retrieved his body-worn camera, which had detached from his uniform during the struggle. The subject attempted to flee from the second officer, and the second officer took the subject to the ground to prevent his escape. Once the subject was brought under control it was discovered that the second officer had sustained a significant laceration to his left hand. A knife belonging to the subject was located. The subject was booked for felony assault; the officer was transported for medical care. The Patrol chain of command conducted the Type II investigation; FIT conducted the criminal investigation for the assault on the officer.

Incident No.	Precinct	Event Summary
2018-061954 Type III (OIS - Fatal) 2 Involved Officers Type II 1 Involved Officer Type I 6 Involved Officers <i>Subject White male, age 41</i>	North	<p>Three North Precinct Officers responded to a report of an auto theft in progress. One officer attempted to contact the subject, who then turned and ran. As officers gave chase on foot, the subject turned and fired multiple rounds from a handgun at the officers. One officer returned fire. No one was struck in this exchange of gunfire. Additional officers arrived to establish containment and a K9 unit was called. As officers, with K9, searched area alleys and backyards, they heard glass breaking and attempted to locate the source. The glass was from a nearby home which the subject had forced entry into, robbing the residents of their car keys at gunpoint before fleeing in their vehicle. Officers located the subject, driving the vehicle, a short distance away. The subject attempted to elude officers, driving onto the sidewalk and through yards before returning to the roadway. An officer positioned his vehicle to block the subject; the subject then drove onto a planting strip, striking the officer's vehicle on the passenger side. As officers approached, the subject locked himself in the vehicle, ignored officers' commands, and began reaching around the floorboard of the vehicle. At one point, the subject picked up what appears to be a crow bar, then dropped the crow bar and began rummaging throughout the passenger compartment. The subject did not comply with officers' commands to stop, repeatedly revved the engine of the vehicle as if attempting to flee. To prevent flight, one officer deflated a rear tire with his knife. Officers were unsuccessful in efforts to break the window to gain access to the vehicle compartment. The subject continued to search urgently throughout the passenger compartment, then bent forward and appeared to be reaching for an object on the driver's side floorboard. Believing that the subject had retrieved the gun he had previously displayed at the home owner, one officer fired at the subject, shattering the driver's side window and striking the subject. Officers were then able to open the door, pulled the subject from the vehicle, and began rendering first aid. The officers provided first aid until Medics arrived. The subject died at the scene. A loaded handgun, which was reported stolen the following morning from another nearby home, was located in the vehicle on the driver's floorboard area, the area in which the subject had been reaching at the time he was shot.</p>
2018-070663	King County Jail	<p>A King County Jail inmate died while undergoing treatment at Harborview Medical Center. Per agreement with the King County Jail that FIT will investigate all in-custody death, FIT was</p>

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Incident No.	Precinct	Event Summary
In-Custody Death		called to investigate. The subject had been in the KCJ for a No Contact Order violation arrest and had been admitted to Harborview two weeks prior to death. It was determined that the subject died of anoxic encephalopathy due to obesity-related cardio-myopathy.
2018-076543 Type III 2 involved Officers <i>Subject White male, age 30</i>	North	North Precinct Anti-Crime Team (ACT) officers attempted to arrest a subject at the Seattle Inn on Aurora Avenue North for Unlawful Possession of a Firearm and Burglary. The subject resisted arrest, struggling against the officers. As officers attempted to take him to the ground in a controlled take-down, the subject landed against a planter box outside the hotel room, sustaining lacerations to his face.
2018-088813 In-Custody Death	King County Jail	A King County Jail inmate died while undergoing treatment at Harborview Medical Center. Per agreement with the King County Jail that FIT will investigate all in-custody death, FIT was called to investigate. The subject had been in custody on a Narcotics warrant arrest by SPD when he became ill. It was determined that the subject died of multisystem organ failure due to acute and chronic renal failure.
2018-090451 Type II 5 Involved Officers Type I 2 Involved Officers Type II 2 involved Officers Type I 2 involved Officers <i>Subject Black male, age 38</i>	South/SWAT	South Precinct officers on-viewed a subject in a vehicle who they believed might be the suspect in an earlier shooting. The subject fled in the vehicle, and officers initiated pursuit. The vehicle eluded officers, who pulled back and spread out to search for the vehicle. King County's Guardian One helicopter located the vehicle and began calling out the vehicle's route. After Guardian One broadcast that there were construction crews ahead in the roadway, a Patrol Lieutenant terminated the pursuit. As the vehicle continued out of Seattle into South King County, several other agencies, including the Washington State Patrol, the King County Sheriff's Office, Auburn Police, Tukwila Police, Des Moines Police, Federal Way Police, Kent Police, and Renton Police became involved. An SPD SWAT Lieutenant advised that SWAT units were in the area and authorized them to assist. Upon locating the vehicle, SPD SWAT Officers initiated pursuit of the vehicle, which continued to attempt to elude. The vehicle turned into a cul-de-sac, where officers attempted to perform a Pursuit Intervention Technique (PIT), and then trap, the vehicle. The subject did not sustain injuries; however, due to the nature of the incident, FIT was directed to respond.

Incident No.	Precinct	Event Summary
2018-100836 Type III 2 Involved Officers <i>Subject Black male, age 50</i>	West	<p>While attempting to maneuver a handcuffed subject into a patrol vehicle subsequent to arrest, the top of the subject's head struck the metal window frame on the car door, causing a laceration. The subject told the responding sergeant that the officer had "slammed" his head into the door. After SFD determined that the subject would likely require stitches, an ambulance was called for transport to Virginia Mason Medical Center. While awaiting AMR, the subject provided a recorded statement to the sergeant, stating that he had shoved the officer, and that as the officer had tried to place him in the vehicle, he accidentally hit the door of the car. He denied any other injuries, and denied that force was used on him. Because of the subject's allegation that the officer had slammed his head into the door, the Chain of Command referred the matter to FIT for a Type III investigation.</p>
2018-079644 Type III 1 Involved Officer <i>Subject White male, age 28</i>	West	<p>Officers responded to a call concerning a suspicious male trespassing on private property. During the incident and arrest, the subject alleged that he was choked.</p>
2018-123238 Type III 5 involved Officers <i>Subject White Female, age 52</i>	West	<p>Officers responded to a call from the Lazarus Day Center reporting a possibly intoxicated female with a knife in their lobby. Officers formed a contact/cover team, and were able to take the subject, who did not have a knife in her hand, into custody without incident. As one officer searched the subject's pockets for the knife (which they located), the subject resisted, attempting to buck up and yelled that officers were breaking her ribs and her neck. As officers were escorting her to a police vehicle for transport, the subject kicked at the officers and dropped to the floor, where she continued to kick. Officers carried her out of the building as she continued to struggle and attempted to headbutt an officer. Officers called for an AMR ambulance for transport under the Involuntary Treatment Act. AMR personnel advised officers that the subject appeared to have an injured finger, which was later determined to be dislocated.</p>
2018-126175	SPD Range	<p>During Department Firearms Training, a detective unintentionally discharged his firearm as he was holstering it.</p>

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Incident No.	Precinct	Event Summary
Accidental Discharge 1 Involved Officer		The round struck the ground and fragments struck the legs of the detective and an adjacent instructor. Both were treated for minor injuries.
2018-146018 Type III 2 Involved Officers <i>Subject Black male, age 29</i>	South	<p>South Precinct officers located a vehicle that had been reported as stolen. Two occupants were in the vehicle. As officers approached, the subject in the driver's seat fled from the vehicle, jumped a chain link fence, and ran westbound, barefoot. One officer remained with the stolen vehicle and front seat passenger; the other officer began driving, westbound, in search of the subject. He located the subject, who did not comply with the officer's commands to stop. Other officers arrived and began a foot pursuit of the subject, who ran through backyards and up onto the patio of a nearby home. Officers were able catch up to the subject and take control of his arms, handcuffing him. The subject complained that his feet were cut. He was sweating profusely and told officers his head was hot. Officers called for SFD, who responded to provide aid. The subject told EMTs that his heart was racing, and that he had ingested alcohol and ecstasy. Officers provided the subject with water, and SFD advised the subject that he would likely feel the effects of the alcohol and ecstasy for another few hours. The subject was transported to the South Precinct. Shortly thereafter, the subject asked officers to call SFD again because he had a cut on his toe and wasn't feeling good. SFD responded and provided wound care to a small cut on the subject's right foot, then cleared the scene. The subject did not complain to SFD of any other injury. Following transport to the King County Jail, the subject advised the screening nurse that his left pinky finger hurt and that he believed it had been broken during the arrest. At this point, FIT was called to respond. A subsequent X-ray at Harborview Medical Center showed a close comminuted fracture of the middle phalanx of the finger.</p>
2018-166614 Type III 2 Involved Officers	West	<p>West Precinct bike officers on-viewed narcotics activity. The subject resisted arrest and officers effected a controlled take-down, placing him in a prone position to handcuff him. The subject complained of medical issues during the arrest; in an interview with the screening sergeant, the subject alleged that he had lost consciousness.</p>

Incident No.	Precinct	Event Summary
<i>Subject Black male, age 51</i>		
2018-169917 Unintentional Discharge	SWAT	An officer reported an unintentional discharge of his personally-owned handgun while off-duty. The gun had discharged while it was holstered on his person, in his vehicle.
2018-214778 Type III 2 Involved Officers <i>Subject White male, age 27</i>	South	Officers were flagged down by a construction worker reporting a suspicious male, possibly involved in thefts from their construction site. Officers spoke with the male subject, obtained his name, and released him. Warrant information returned on the subject and officers re-contacted him. The subject became uncooperative with verbal commands and physically resisted the officers' attempts to take him into custody. Officers took the subject to the ground and handcuffed him after a struggle. The subject was evaluated at the scene by SFD for a possible injury to his finger, then transported to Harborview Medical Center, where staff determined the subject had a fracture to his finger. One of the involved officers also sustained injuries and was treated.
2018-105488 Type III 1 Involved Officer <i>Subject Black male, age 30</i>	South	QFC employees called 911 to report that a subject had attempted to steal a case of liquor and was fighting with employees who were attempting to detain the subject in the bathroom. Officers arrived and observed the subject on the ground, fighting with two employees. Upon seeing the officers, the two employees moved away from the subject. Officers ordered the subject, who was sitting on the ground, to roll over. The subject began to stand up. One officer placed his left arm over the subject's left shoulder, and his right arm over the subject's right shoulder. The subject began to struggle against the officers. Upon video review, it appeared that the officer's arm twice made contact with the subject's neck.
2018-252026 Type II 1 Involved Officer Type I 1 Involved Officer <i>Subject White male, age 35</i>	West	An officer working off-duty at a Whole Foods store broadcast that he was following a shoplifter. Patrol officers responded to the call and located the subject, who refused orders to stop, squared up, and balled his fists. An officer performed a take-down and the subject was placed in custody. The subject complained of injury and SFD was called to the scene. The subject reported to SFD that officers broke his back and "bashed his face and skull." He reported that he blacked out twice.

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Incident No.	Precinct	Event Summary
2018-298086 Type III 1 Involved Officer Type II 1 Involved Officer <i>Subjects Asian male, age 28; Asian female, age 28.</i>	South/K9	A K9 Officer observed two subject in a reported stolen, parked vehicle. The subjects left the vehicle on foot. The officer located the subjects and ordered them to stop. The subjects continued to walk away from the officer. The K9 officer deployed his dog and attempted to physically detain the subjects, resulting in a struggle. Backup officers arrived and the subjects were taken into custody. One subject was taken to the hospital and later found to have blood on the brain, the cause of which could not be medically determined.
2018-305989 In-Custody Death	WSP	A Washington State Patrol Trooper had a subject in custody after conducting a DUI traffic stop. The subject was in handcuffs and the trooper was escorting the subject to the patrol vehicle to place him into the rear seat. The trooper was standing with the subject at the open rear door of his patrol vehicle when the subject moved towards the edge of the bridge and went over the barrier. The subject fell approximately 60 feet to the water below and sank below the surface. SPD Harbor units responded and recovered the subject from the water. He was transported by SFD medics to Harborview, where he was pronounced deceased. WSP requested that SPD investigate.
2018-349334 Unintentional Discharge	Southwest	An officer unintentionally discharged his duty weapon near the loading barrel at the Southwest Precinct while preparing to clean the weapon in advance of qualifications the following day. The round lodged in the wall. No injuries were reported.
2018-349646 Type II 3 Involved Officers 2 involved Officers <i>Subject Black male, age 61</i>	West	West Precinct bike officers were conducting a narcotics operation in the 200 block of Blanchard Street. They observed a male complete a suspected narcotics transaction and moved in to arrest him. The subject actively resisted their efforts. Officers took him to the ground, where the subject continued to struggle. Knee strikes and a cross-face maneuver were used to take the subject into custody. The subject complained of shoulder and eye pain and was transported to Harborview. Based on the initial report of possible Type III injuries, FIT responded. Follow review, the incident was reclassified as a Type II.

Incident No.	Precinct	Event Summary
2018-379981 In-Custody Death	KCJ	An inmate in the infirmary at the King County Jail was found with no pulse and not breathing. The subject had a documented terminal illness, had been offered palliative care from Harborview Medical Center a few days earlier, and had left the hospital against medical advice. The subject had signed a "Do Not Resuscitate" order on the same date. Per agreement with the King County Jail that FIT will investigate all in-custody death, FIT was called to investigate.
2018-407326 Type II 2 Involved Officers Type I 1 Involved Officer <i>Subject Black male, age 49</i>	South	Officers responded to a report of a woman screaming and a male standing near a car in the parking lot in the same vicinity. Officers responded to investigate and contacted the male subject at the vehicle. The subject was uncooperative, combative, and made threatening remarks towards officers. The subject was placed in custody after a brief struggle. He alleged that he was choked, anally assaulted, and had sustained a concussion. In light of his complaints, he was transported to Harborview, where he declined treatment. The force was subsequently reclassified following investigation.
2018-420100 In-Custody Death	KCJ	An inmate, booked by Washington State Patrol, had been treated a day earlier due to ingestion of narcotics at the time of his arrest. He was cleared medically and returned to the King County Jail. The subject subsequently died in his cell. Per agreement with the King County Jail that FIT will investigate all in-custody death, FIT was called to investigate.
2018-429853 Type III 1 Involved Officer Type I 3 Involved Officers <i>Subject White male, age 38</i>	East	Officers were dispatched to a report of a domestic violence assault involving the attempted strangulation of the victim and a subject in crisis. The subject responded to the door of his apartment, but refused to let officers in. He complained of nanobots controlling him. The officers could hear the subject placing items behind the door, leading them to believe he was barricading the door. Hostage Negotiation Team officers were called to the scene and began negotiations with the subject. The subject threatened suicide, including a threat to slit his throat. He advised officers that "If you enter, I will kill you." With probable cause to arrest for felony domestic violence, officers sought, and received, a search warrant. Officers entered the apartment and located the subject, who was armed with a pair of shears. With a shield and contact/cover team, officers took the subject to the ground; the subject continued to struggle until officers could get him into handcuffs. The

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Incident No.	Precinct	Event Summary
		subject sustained a laceration on his lip. One officer was treated at Harborview for a blood exposure sustained when the suspect spit blood into the mouth of the officer.
2018-448850 Unintentional Discharge	East	After parking his patrol vehicle in the parking area inside the East Precinct at the end of his shift, an officer was in the process of removing his rifle from the rack inside the vehicle when an unintentional discharge occurred. The round traveled upward through the roof of the vehicle and lodged in a ceiling beam. No injuries were reported.
2018-459739 Type III 1 Involved Officer <i>Subject White male, age 42</i>	South	Officers responded to a 911 call reporting a disturbance involving two vehicles racing around the grass area of a park on Lake Washington Blvd. S. A responding officer arrived to discover a vehicle apparently stuck in mud with three subjects near the vehicle. The officer conducted a check on the license plate of the vehicle and determined it to be a reported stolen vehicle. The three subjects got into a second vehicle at the scene and fled; that vehicle was abandoned a short distance away. A K9 track was initiated and subsequently located a subject hiding in bushes. The K9 contact resulted in a Type III injury to the subject's arm.
2018-478573 Type III 1 Involved Officer <i>Subject White male, age 29</i>	West	Uniformed officers working perimeter security outside CenturyLink Field during a Seahawks game on-viewed a physical disturbance. Officers separated the involved parties. One subject, who was restrained on the ground, sustained an injury later determined to be a fractured fibula. The subject alleged that this occurred during contact with the police.
2018-486972 Type III (OIS – Fatal) 1 Involved Officer Type II 2 Involved Officers Type I 1 Involved Officer	North	Officers working emphasis patrol on Aurora Avenue North stopped a northbound vehicle for a traffic violation. The subject told the officers he did not have ID, but provided a name. Based on the subject's actions and demeanor during the stop, officers requested an additional unit. While officers were attempting to verify the subject's identity, the subject opened the driver's door and ran across Aurora. Officers pursued the subject westbound across Aurora onto N. 96 th Street. The officers noticed that subject was running with one hand in his sweatshirt while the other hand was swinging by his side, raising concerns that he was holding a weapon in his shirt. Officers caught up to the subject and took him to the ground, where they discovered that he was in possession of a semi-automatic handgun. During

Incident No.	Precinct	Event Summary
<i>Subject Asian/Pacific Islander male, age 34</i>		a struggle to bring the subject under control, an officer fired one round, striking the subject.

3. FORCE REVIEW UNIT/FORCE REVIEW BOARD

The Force Review Board is a select group of Seattle Police Department personnel which meets regularly to make determinations as to (1) whether a Use of Force investigation is thorough and complete; (2) whether the force was consistent with SPD policy, training, and core principles; and (3) with the goal of continual improvement and ensuring the Department remains abreast of evolving best practices, whether any recommendations are made or other issues need to be addressed with respect to policies, tactics, training, equipment, or otherwise.

The FRB is composed of standing members selected by the Assistant Chief of the Professional Standards Bureau. Only standing members of the FRB may participate in the deliberations and vote during board sessions. These standing members include one representative from the Training Section, three representatives from the Patrol Operations Bureau, one representative from the Audit, Policy & Research Section, and one representative from the Investigations Bureau. The Captain of the Force Review Unit (or Assistant Chief of Professional Standards in the case of an officer involved shooting review) is the standing Chair and casts the final vote if the Board's vote is evenly split. A quorum of four voting members must be present for the Board to review completed cases.⁶

The FRB includes a non-voting participant from the Crisis Intervention Team to answer issues related to a subject's mental health status, services they might be receiving, as well as assisting the FRB in determining if an officer used "best practices" in de-escalation. Where appropriate,

⁶ Other observers to the Force Review Board may include Captains and higher, the Department's Executive Director of Legal Affairs, representatives from the City Attorney's Office, the DOJ, the Monitoring Team, the Office of the Inspector General, and a representative from OPA. In cases involving an officer involved shooting, a citizen observer appointed by the Mayor's Office also attend. These observers may attend FRB meetings, but they are not permitted to vote.

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subject matter experts from specialty units (e.g. Canine, SWAT, Communications, or the Range) are asked to attend an FRB to answer any unit-specific questions that may arise.

Case selection for the FRB is determined by policy and handled by the Force Review Unit. All completed Use of Force investigations are forwarded to the FRU using IAPro and Blue Team, a paperless computer system. These cases include Type I, Type II, Type III uses of force, and Firearm Discharges (both intentional and unintentional discharges).

By policy, the FRB reviews all Type III cases. The FRU, comprising a captain, a lieutenant, a sergeant, and two detectives, reviews all Type II use of force reports. FRU staff and FRB members undertake the same inquiry and apply the same standard of review when reviewing cases. FRU staff and FRB members attend the same annual training involving the objective analysis of force, which ensures that the FRU is conducting a thorough review of their cases consistent with the reviews conducted by the Board.

Type II cases are sent to the FRB by the FRU when any of the following factors are involved:

- Possibility of misconduct;
- Significant policy, training, equipment, or tactical issues;
- When FIT was contacted for consultation and declined to respond or investigate;
- When less-lethal tools were used on the subject;
- When a canine makes physical contact with the subject;
- When the subject is transported to an emergency room.

All cases not selected for FRB review are reviewed by the FRU detectives and their chain of command. The FRU captain makes the final determination based on the FRU's reviews and recommendations. Bifurcating Type II use of force cases allows the FRB to focus its efforts on the more significant cases, such as Officer Involved Shootings, Type III investigations, and serious Type II cases. Additionally, a random 10% of cases reviewed each month by FRU are presented to the FRB for a second independent review – a mechanism to ensure quality control.

Figure 13: Force Review Protocol

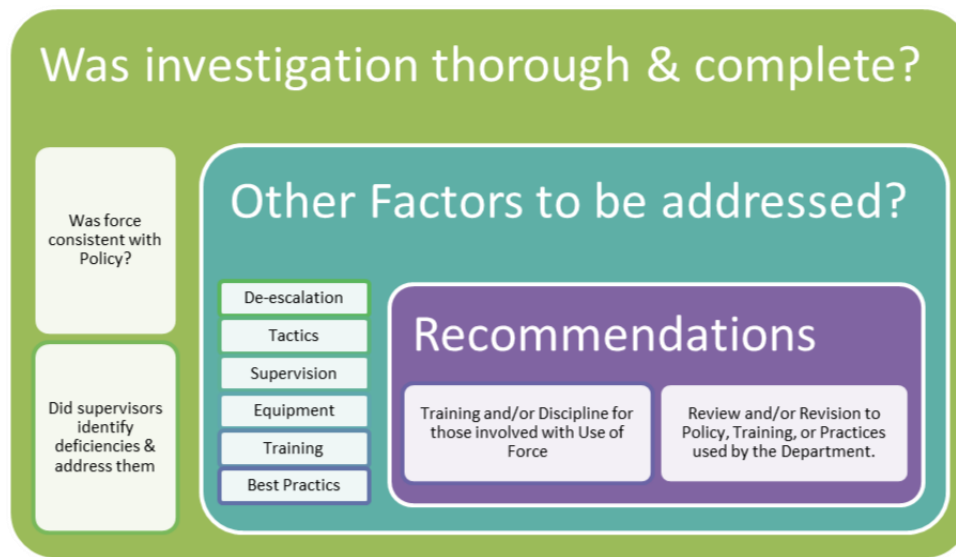


Figure 16 describes the review process for both FRU and FRB. Both look to ensure that the investigation was thorough, timely, and complete, providing all material evidence. Both answer the core inquiries of (1) whether the force was consistent with policy – including an

affirmative obligation to de-escalate when safe and feasible to do so, and if there were issues with the force, whether supervisors appropriately identified those issues. The FRU considers – and the FRB discusses – all pertinent factors surrounding the force, including the tactics used and supervision at the scene. FRB determinations are documented and any issues identified are referred to the appropriate commander for follow-up. If policy violations are suspected, the incident is immediately referred to OPA, or to the chain of command if appropriate under Manual Section 5.002, by the FRB Chair or designee, if not already referred by the reviewing chain of command.

It is important to understand what an FRB finding means relative to the question as to whether the force was constitutional. As the United States Supreme Court has long held, whether any use of force is lawful under the Constitution is a case-specific determination, based on the perception of a reasonable officer under the totality of the circumstances present at the time the force is applied, and often a point on which reasonable minds can differ. While the courtroom is generally the forum for determining the *legality* of a use of force, the Force Review Board is a mechanism by which members analyze the broader question of whether the force meets the requirements of policy and training that hold officers to a higher standard of conduct – and care should be taken not to conflate the two. Importantly, SPD policy incorporates both federal and state constitutional thresholds, but holds officers to a substantially higher level of performance and scrutiny consistent with community expectations. Simply put, a finding that force is out of policy does *not* equate to a finding that the force violated the Constitution, but a finding that the force was in policy *does* mean that, in the view of the reviewers, it was also likely lawful.

4. OVERVIEW

In 2018, the Force Review Unit reviewed a total of 42 cases; the Force Review Board reviewed a total of 188 cases. (Note: “Cases” are based on a single General Offense number, or CAD event; cases may thus involve more than one officer, or more than one use of force, each of which is separately considered.) As ten percent of cases reviewed by the FRU are randomly selected for further review by the FRB, those cases are essentially double-counted in the numbers here. In total, of the 188 cases reviewed by the FRB, seven cases had also been reviewed by the FRU.

Table 13 shows the 188 cases reviewed by the FRB broken down by the highest force level in each case.⁷

Table 13: Breakdown of Cases Reviewed by FRB by Type

Type II	168
Type III	15
OIS	4
In-Custody Death	1
Total	188

5. FORCE REVIEW UNIT/FORCE REVIEW BOARD DETERMINATIONS

In 2018, a total of 751 officers were involved in the 230 cases reviewed by FRU and/or FRB. The aggregate number of officers includes officers who were reviewed in connection with their tactics and decision-making, even if those officers did not individually apply force. The numbers below represent the number of officers involved across the cases, aggregated, and the determination as by FRB and FRU as to whether each officer’s actions were either approved as consistent with policy or deferred while under review by another unit.

Note: Under policy, the FRU/FRB do not decide any matter that is under investigation by the Office of Police Accountability. It is thus important to emphasize that the approval/disapproval rate indicated below does not indicate an ultimate determination as to whether the issue under consideration is in or out of policy – a determination that is recommended by OPA following its independent review but ultimately rests with the Chief, informed by OPA review.

a. Use of Force

⁷ Again, completed cases are investigated and reviewed at the highest level of force used. A Type III case, accordingly, may also involve Type II or Type I force; a Type II case may also include Type I force.

A breakdown of FRU/FRB determinations with respect to officers' use of force is presented in Table 14.

Table 14: Force Review Findings by Officer

	FRB	FRU	Total
Approved	334	101	435
Disapproved	6	0	6
Deferred	173	0	173
Total	513	101	614

Across 188 cases reviewed by the FRB, the involved officers' use of force was found to be reasonable, necessary, proportional, and otherwise in conformance with Department's Use of Force Policy in 334, (98.2%) of the 340 instances a determination was reached. In six instances, the FRB disapproved of the use of force; in 173 instances, where a matter had been referred to OPA prior to FRB review, the FRB determination was deferred, per policy, to OPA. Across the 42 cases reviewed by the FRU, the involved officers' use of force was approved in all instances.

b. Tactics and Decision Making

Officers' tactics and decision making through an incident are reviewed for determination as to whether they are consistent with policy (including in-car video and body-worn camera requirements) and training. Included in this review as a separate analysis is a determination as to whether officers complied with the Department's de-escalation policies that require reasonable efforts to de-escalate a situation, where safe and feasible to do so, prior to using force. A breakdown of FRU/FRB determinations with respect to officers' tactics and decision making is presented in Table 15.

Table 15: Tactics and Decision by Officer or Supervisor

	FRB	FRU	Total
Approved	557	117	674
Disapproved	44	5	49
Deferred	26	0	26
Total	627	122	749 ⁸

Across 188 cases reviewed by the FRB, the involved officers'/supervisors' tactics and decision making were found to be consistent with policy, training, and de-escalation requirements in 557 (92.7%) of the 601 instances a determination was reached; in 44 instances, the FRB disapproved

⁸ One Officer-Involved Shooting incident was divided into three separate reviews; each involved officer was accounted for at least twice times in these findings.

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the tactics and decision making. In 26 instances, the determination was deferred pending review by OPA. Of the 42 cases reviewed by the FRU, the involved officers' tactics and decision making were approved in all of the 101 instances considered. In considering FRU findings, however, it should be remembered that FRU has an obligation to refer to the FRB any Type II case that may involve misconduct or significant policy or tactical issue; as it is the FRB findings that are recorded as the determination of the case, these numbers should not be surprising.

c. OPA Referrals

The FRU and FRB have an obligation to refer to OPA any serious policy violation, including any violation around use of force, unless already referred by the chain of command. In addition, the OPA Director sits on the FRB, and can independently take any case for further investigation. While OPA will separately report out on its intakes, investigations, and determinations for 2018, a breakdown of FRU/FRB OPA referrals is presented in Table 16. It should be noted that the numbers reported below refer only to referrals made by the FRB or FRU – they do not include OPA referrals from the reviewing chain of command, subjects, or by third-party complainants.

Table 16: OPA Referrals

	FRB	FRU	Total
ICV	2	0	2
Use of Force	8	0	8
Other	14	1	15
Total	24	1	25

As shown, a total of 25 OPA referrals were made, eight of which were related to potential violations of the use of force policy (which includes de-escalation). Two related to a violation of the ICV policy; an additional 15 related to other, non-force-related policies. Again, because FRU is required to refer to the FRB any Type II cases that involve a potential policy issue or misconduct, the absence of any referrals from FRU to OPA is to be expected.

d. On-Scene Supervision

FRU and FRB consider as part of their reviews whether an SPD supervisor (Sergeant or above) was on-scene prior to the use of force, and if so, whether the supervisor provided appropriate tactical guidance and support during the incident. If a supervisor was not on-scene during the incident but responded thereafter, the FRU and FRB consider whether there were any issues with the on-scene portion of the use of force investigation. A breakdown of FRU/FRB findings relating to on-scene supervision is presented in Table 17.

Table 17: On-Scene Supervision

	FRB	FRU	Total
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Approved	252	42	294
Not Approved	21	3	24
Deferred	21	0	21
Total	294	45	339

Of the 273 instances in which a case reviewed by the FRB involved an on-scene supervisor present and able to offer tactical guidance and support, the FRB approved the supervision in 252 instances (92.3%); in 21 instances, the determination was deferred pending review by another unit or OPA. The FRU approved the on-scene supervision in 42 of the 45 applicable cases it reviewed.

e. Use of Force Investigations and Chain of Command Reviews

In addition to considering matters relating to the use of force incident itself, the FRB and FRU consider the timeliness and thoroughness of FIT and chain of command investigations and reviews, including whether FIT or the chain of command appropriately identified and addressed any deficiencies in training, performance, equipment, or policy issues. A breakdown of FRU/FRB findings relating to FIT and chain of command investigations and reviews is presented in Table 18.

Table 18: FIT/Chain of Command Reviews

	FRB	FRU	Total
Approved	637	174	811
Not Approved	45	0	45
Deferred	5	0	5
Total	687	174	861

In the 188 cases considered by the FRB, the FRB approved the FIT/Chain of Command investigation and review in 637 of 687 instances, and disapproved the investigation or review in 45 instances. Five reviews were deferred pending review by another unit or OPA. Of the 42 cases reviewed by the FRU, the FRU approved the chain of command investigation and review in all of the 174 instances considered.

f. Type 1 Case Reviews

The FRU is also responsible for conducting quality assurance of each Type I use of force report to determine completeness, timeliness, and accuracy of data entered in the field. The FRU also reviews the chain of command's review of the incident; if any deficiencies are noted, the reviews are returned to the chain of command for additional work.

In 2018 the FRU processed 1163 Type I cases involving a total of 1629 officers, broken down as follows:

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- 47% involved the reporting of Handcuffing Pain Only (768)
- 17% involved the reporting of Officers pointing their firearm at a Person (271)
- 30% involved the reporting Complaint of Pain Only (492)
- 5% involved the reporting of Using Multiple Types of Type I force (77)
- 1% involved the reporting of Deploying an NFDD (not at a person) by SWAT (27)

ADDITIONAL LINKS

The Department remains committed to providing the public with as much transparency and accessibility into its data as it can within the bounds of the privacy interests of the community we serve. Additional information queries can be explored relating to stops and detentions, use of force, crisis responses, and crime statistics at <http://www.seattle.gov/police/information-and-data>.
